

Minutes of the Veneta City Council August 13, 2007

Council

Present: Mayor T. J. Brooker, Thomas Cotter, Darrell Carman, Sharon Hobart Hardin and Marion Esty

Others:

Ric Ingham, City Administrator; Margaret Boutell, Community Services Director; Jerri Moore, Finance Director; Darci Henneman, Assistant City Recorder; Jerry Elliott, City Engineer; Joan Mariner, Devon Trottier and Jeneca Jones; West Lane News

Mayor Brooker called the Veneta City Council meeting to order at 7:05 p.m.

1. PUBLIC COMMENT

Joan Mariner, 25712 Cochran Ct., Veneta, OR

Ms. Mariner suggested the City support the use of rain barrels for catching rainwater. She provided a handout for using rain barrels and asked City staff and Councilors to explore the option of catching rainwater off of the City of Veneta facilities. Ms. Mariner is also concerned about the homeless people in our area. She suggested staff and/or Councilors contact the White Bird Clinic to get information on how we can assist our homeless people in the upcoming fall and winter months. She suggested this may be cheaper for the City rather than having four full time deputies on patrol and dealing with the homeless issue themselves.

In response to a question from Marion Esty, Ms. Mariner felt contacting White Bird Clinic would be the best way to get started on assisting the homeless in our area.

Devon Trottier, 24733 Dogwood Lane, Veneta, OR

Ms. Trottier was following up on an issue she brought to the Councilors at the last meeting. She wanted to know why the City was selling water for a residence outside the City limits. She also said there was no meter on the water truck used to transport the water, therefore, how would the City know what to charge him for the water.

Mayor Brooker told her the water was purchased by a developer working and using the water within the City.

She indicated Kyle Schauer, Public Works Superintendent told her the water was used at a residence outside the City limits on Central Rd. or Cantrell Rd. and that the City sells water for uses outside the City limits. She wanted to know how the City could do this when she is charged more when she exceeds a certain amount of water.

Mayor Brooker said the City has water contracts with specific people and the issue is not open for discussion.

Ric said there is a meter on the hydrants and there is an accurate record of the water being sold.

Ms. Trottier asked again why the City would sell water if we have a water shortage.

Mayor Brooker said the water truck is used for construction projects within the City of Veneta.

Ms. Trottier said over 200 trees of the 437 were removed from the Aspen Heights Subdivision. She said the two tree removal permits read differently and contradicted one another. She said the developer interpreted the permit in order to take more trees. She said the City Administrator turned the tree permit issue over to Kyle and Kyle approved it.

In response to that statement, Ric the permit was not turned over to Kyle nor can he approve permits. Ms. Trottier said that is what she was told and asked why the City Administrator made the decision, why doesn't it go to the Planning Commission. She said the permit should have been reviewed by the City attorney.

Margaret said the tree permit process has since changed. She said now tree removal permits are part of the entire Planning Commission review and approval done in conjunction with subdivisions.

Ms. Trottier again said there was contradictory language in the two permits and asked if it was caught.

Staff and Councilors were somewhat confused by her repeated question. Mayor Brooker said the Public Comment portion of the City Council meetings are just for that. It doesn't necessarily mean an answer will be provided. It is an opportunity for residents to speak but not necessarily ask specific questions and get answers for those questions. Mayor Brooker said staff and Councilors will take her comments under advisement.

2. CONSENT AGENDA

MOTION: Sharon Hobart-Hardin made a motion to approve the consent agenda. Thomas Cotter seconded the motion, which passed with a vote of 5-0.

Vote: Marion Esty, aye; Thomas Cotter, aye; Mayor Brooker, aye; and Darrell Carman, aye, Sharon Hobart-Hardin, aye.

The consent agenda as approved included minutes for July 23, 2007, the Public Works Activities Report for July 2007, Civic Calendar for September, 2007; and the Ratification of Mayor's Acceptance of Drainage Easement from Oregon Department of Forestry.

3. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

- (1) Law Enforcement Activities Report, Sgt. Harrold (LCSO)
Sgt. Harrold said there were no major arrests during the Oregon Country Fair (OCF) and Driving While Under the Influence (DUI) arrests were down from last year.

Marion Esty thanked Sgt. Harrold for parking a patrol car at the entrance of Fern Park.

Sgt. Harrold said Officer Smeltzer has put in a change request and will be assigned to the Civil Service Department of the LCSO. Dep. Randy Eshleman will take his place. Dep. Eshleman has 23 years experience as a patrolman. Dep. Mark Nelson will also be a new patrol officer. He is very familiar with the area and staff.

- (2) Request for Temporary Liquor License - LaVelle Vineyards (Studio 126

Hair Salon) wine tasting at 87991 Territorial Rd.

Ric said Studio 126 Hair Salon is wanting to hold a wine tasting event on Wednesday, August 15, 2007 for their clients. They have contracted with LaVelle Vineyards but have yet to receive their application for a temporary liquor license from the Oregon Liquor Control Commission (OLCC). Ric requested Councilor to approve the temporary liquor license after subsequent approval from Sgt. Harrold.

MOTION: Thomas Cotter made a motion to approve the temporary liquor license for Studio 126 Hair Salon and LaVelle Vineyards. Sharon Hobart-Hardin seconded the motion, which passed with a vote of 5-0.

b. COUNCIL/COMMITTEE LIAISONS

(1) Tour Water Plant at 6:00 p.m.

Jerry Elliott conducted a tour of the Water Plant Facility. All Councilors attended the tour. Mayor Brooker suggested if interested persons would like to arrange a group tour, contact him for more information.

Marion Esty said she attended the last Planning Commission meeting on August 6, 2007. She said the Aspen Heights Subdivision/Tree Removal Permit was on agenda. She refrained from speaking on the matter because of the potential for appeal by the applicant.

In response to a question from Thomas Cotter, Ric said an international firm, LCS Company is a fiber optic company providing fiber optics to small, rural communities in our area. (Bandon, Coquille, Myrtle Creek). Ric said their feasibility study on Veneta is completed. Ric said he and Thomas Cotter met with the president of LCS Co. last week. He said they are moving forward and working on a final draft of the franchise agreement. Ric said this will be a great opportunity to advance our economic development efforts. LCS Co. will offer three way connection (cable, internet and phone service).

Thomas Cotter, Margaret Boutell, Sheryl Hackett, Darrell Carman and Carrie Connelly have been working on the assessment code update. They plan to finish the plan on August 14, 2007.

Sharon Hobart-Hardin said the Parks Board completed the review of the City of Veneta Volunteer Program. They have decided to incorporate an "Adopt a Park" volunteer program. She said if successful, two events per year will be held by adopting one park per event for clean-up and improvements. She also said they are kicking off their fund raising activities by creating "Fern-Ridge-Opoly". They hope to raise \$15,000 for a Territorial Sports Program (TSP) grant and for future park activity.

Mayor Brooker referred to the article in the Register Guard and the idea of Lane Transit District (LTD) providing bus service to Florence. By having a transit station in Veneta, (at Luther Lane and Territorial Rd.) this would boost our economy as well and be a deciding factor if LTD commits to the bus service to Florence and back to Eugene.

Ric met with LTD representatives in conjunction with Connect Oregon II Grant. LTD has developed a conceptual design for the transit station planned for Luther Lane. He said they incorporated using more of Territorial Road and not routing the bus onto Luther Lane.

4. STAFF REPORTS

- a. (1) Pine St. Change Order (Jerry Elliott)
Jerry Elliott explained a new change order for the Pine Street Connection since the last City Council meeting. He said a significant amount of the subgrade soil is too weak to support a street structure and should be removed.. He said standard construction practice is to remove the weak soil from the subgrade and replace it with crushed rock. He said if the subgrade is not replaced the street quality will be poor and the service life may be less than five years. Last week Doug Singer was at the site and estimated the amount of material to be removed and replaced will cost approximately \$30,000. However, from a site visit today they may only need to remove half of what they originally estimated. Therefore the cost would be roughly \$15,000.

Mayor Brooker spoke with Kyle. His opinion was that the material needed to be removed and replaced.

In response to a question from Thomas Cotter, Ric said the portion of Pine St. being worked on now used to be a gravel, dead-end road. The Pine St. Connection will connect Pine St. to the Hunter Heights Subdivision.

MOTION: Thomas Cotter made a motion for payment of a not to exceed amount of \$17,000 for the recent change order for the Pine Street Connection. Marion Esty seconded the motion with passed with a vote of 5-0.

- (2) **Resolution 953 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VENETA ADOPTING PERSONNEL RULES AND POLICIES FOR THE CITY OF VENETA AND AMENDING RESOLUTION 905**

Jerri Moore, Finance Director, presented changes to the employee handbook for the 2007-08 fiscal year. She said there were modifications of the City's dual insurance coverage policy and a new item was temporarily added; a clothing allowance of \$200 per Public Works employee.

Mayor Brooker said if the allowance continues beyond this year, it will become a permanent benefit to the Public Works employees.

In response to a question from Marion Esty, Ric said the clothing allowance mainly addresses work boots and winter jackets the Public Works employees require.

MOTION: Sharon Hobart Hardin made a motion to approve Resolution 953 and repealing Resolution 905. Thomas Cotter seconded the motion, which passed with a vote of 5-0.

- (b) (1) Animal Control Report - Dog Vouchers (Margaret Boutell)
On August 3, 2007, the City of Veneta participated in its second low cost spay and neuter clinic called the Neuter Scooter. There were 114 cats pre-registered. Dr. Tess Peavy performed 93 surgeries that day. People came from Harrisburg, Junction City and Corvallis. Six feral cats were trapped and brought in, including one from under the City pool.

Margaret said the City offered vouchers for low-income residents. Because a few pre-registered people did not show up, the City spent no money on vouchers for this clinic. The local veterinarian is interested in the City providing vouchers for low-income residents to receive spay/neutering services, at their office, at any time. Margaret requested the Councilors consider adopting a policy to provide vouchers redeemable at any time, to low-income residents, for spay and neutering dogs as well as cats.

In response to a question from Marion Esty, Margaret said the voucher program could start on a trial basis but the vouchers would only be available for residents who qualify for low income assistance.

In response to a question from Sharon Hobart-Hardin, Margaret said staff would administer the voucher program. The voucher design and application has been completed. She said an application form is requested to verify qualified low-income residents.

Mayor Brooker suggested requiring licensing a dog if a resident is applying for the spay/neuter voucher. The dog license is \$5 per animal if the animal is spayed or neutered.

Ric said a staff person will review and process the applications, issue the voucher and communicate with the veterinarian. It should be a fairly easy process for one staff person. The vouchers will be for \$20.

A Rabies vaccination is required by Lane County in order to be licensed.

Margaret said Lane County Animal Regulations Authority (LCARA) offers a low income spay/neuter voucher for \$25 which could possibly be combined with the voucher the City is offering. These two vouchers could be used congruently to cover the cost of the Rabies vaccine and the neutering.

Mayor Brooker suggested modifying our policy in order to begin the voucher program for the remainder of 2007 to see how it goes. Then it can be determined if the budget will cover the ongoing costs.

Darrell Carman suggested waiving the \$5 license fee for low-income residents apply for the voucher, otherwise they probably won't get their dog neutered if they're required to pay for a Rabies vaccination and a licensing fee. (\$17 total).

MOTION: Sharon Hobart-Hardin made a motion to approve the City issue spay/neuter vouchers to approved low-income residents and to waive the \$5.00 licensing fee for unlicensed neutered dogs for such residents. Darrell Carman seconded the motion, which passed with a vote of 5-0.

- (2) Safe Routes to Schools (Margaret Boutell)
Staff recently submitted two grant applications to Oregon Department of Transportation for the Safe Routes to School (SRTS) Program. The infrastructure grant application requested \$170,480 in SRTS funds to help pay for the completion of sidewalks along McCutcheon Ave. Even though a match was not required, the City proposed providing \$255,720 to complete this project. Most of the City funds provided will come from System Development Charges (SDCs). Notice will be given in December, 2007 if SRTS infrastructure funds are awarded. If funded, the money for this project must be obligated by September 30, 2008 (FY09).

The non-infrastructure grant application requested a total of \$14,289 in SRTS funds including \$12,480 to hire a temporary, part-time SRTS Manager, \$600 for City staff to assist with a bicycle/pedestrian safety event and \$1,209 for supplies and equipment. If funded, the SRTS Manager will be responsible for administering the Veneta Elementary School Team activities, including coordinating meetings; oversee the implementation of the Veneta Elementary SRTS Action Plan, including a parent/community outreach to educate the benefits of walking and bicycling to school; and training other Fern Ridge schools on how to develop a SRTS Action Plan. Notice will be given in September, 2007 if SRTS non-infrastructure funds are given.

Margaret said Taunya Jones met with the school team from Veneta Elementary. One team member, Tressa Miller, is very interested in the SRTS Manager position. Staff has met with her and recommend her for the position.

In response to a question from Sharon Hobart-Hardin, Margaret said Taunya Jones came across the grant while researching the trail program. At the time, there wasn't a contact person at Veneta Elementary to supervise the program and rather than not apply for the grant funds, she went ahead and applied on behalf of the City when in reality, it should be a school function.

All Councilors agreed.

Mayor Brooker is hopeful if and when the funds are granted, the funds could be transferred to the school district in order for Fern Ridge School District to implement the program and hire the SRTS Manager.

Ric is concerned, even more with Margaret Boutell's departure, with having a staff person spend time trying to convince the school to participate in the program. He didn't have a problem continuing with the non-infrastructure grant if, in the next couple weeks, we hear from the principal that the school supports the program and will participate.

However, if the school doesn't show interest in heading the program, the City may risk the larger infrastructure for improvements to McCutcheon Ave.

In response to Mayor Brooker, Ric said Taunya Jones did receive endorsement and support from the Fern Ridge School Board.

(3) Pine St. Complaint

Margaret said she received a call from Mrs. Gonzalez and a letter from residents on Corky Lane.

Ric said the letter was forwarded to the City's insurance carrier. He wanted to make sure we follow through on the complaints and validate any problems that have taken place. He said staff is somewhat mystified by the complaint. He said all the houses in Hunter Heights and on Perkins have hairline stress fractures in the foundations, which are caused by the process used in pouring the concrete. There are no structural issues and is considered by most engineers to be cosmetic. But the matter has been turned over to the insurance company for investigation.

(4) Request for Proposal (RFP) Process

Margaret said amendments to the Wastewater and Water Facility Plans are budgeted in this fiscal year. She researched the idea of hiring a consultant for this work. The City can: 1) Directly appoint the City Engineer for these projects; or 2) Begin the RFP process to hire an engineer. The City Engineer can also submit an RFP.

At the July 23, 2007 City Council meeting the Councilors were deadlocked in a decision whether to directly appoint the City Engineer for the projects or begin the RFP process to hire an engineer.

Thomas Cotter and Darrell Carman felt it was a waste of funds using the RFP process. Mayor Brooker and Marion Esty felt it was a good idea to begin the RFP process. Sharon Hobart-Hardin was absent from the July 23, 2007 meeting.

Sharon Hobart-Hardin felt the RFP process created a more informational decision and the process could include a proposal from Jerry Elliott.

MOTION: Sharon Hobart-Hardin made a motion to direct City staff to proceed with the RFP process for selecting an engineer to amend the water and waste water facilities plan. Mayor Brooker seconded the motion, which passed with a vote of 3-0. Thomas Cotter and Darrell Carman voted no.

(5) Bolton Hill Cell Tower/Verizon Lease

Margaret submitted a draft of the lease proposed by Verizon Wireless. The Verizon cell tower would be on Bolton Hill, near the water tower. Verizon changed their lease payment amount to the City from \$600 per month to \$1,500 per month with increases every five years. Legal counsel reviewed the lease and added the following language to paragraph "19.

ASSIGNMENT LESSEE may not sublet or license the use of all or any portion of the Premises, or permit co-location of any other carrier's antennae, without the LESSOR's prior written consent." This language would ensure no sub-lease for the tower can happen without the City being able to charge for the ground space. Verizon also proposed the City negotiate separately with each new carrier (co-locators) for the ground lease and that they charge a lease rate for the tower space. There is possibly room for two co-locators on the tower.

In response to a question from Thomas Cotter, Margaret said if the City doesn't give their consent, Verizon cannot assign to other co-locators?

In response to a question from Mayor Brooker, Margaret said the purpose for including the co-locators is additional revenue to the City.

In response to a question from Thomas Cotter, Margaret said it has to read so that the City will make the decision on the co-locators, not Verizon. She said we have to make Verizon have the co-locators come to the City.

In response to a question from Sharon-Hobart-Hardin, Margaret said Verizon has seen this added language and agreed to it.

In response to a question from Thomas Cotter, Margaret said the City can also charge the co-locators the same amount we charge Verizon.

Ric said depending on their request for the potential footprint for setting up the antenna, the City would do some market research to determine comparable rates.

Verizon is requesting authorization for Mayor Brooker to sign the lease once the Site Plan Review is approved by the Planning Commission on September 4, 2007. They would process the lease and have all Verizon signatures completed prior to the Site Plan Review approval.

In response to a question from Darrell Carman, Margaret said the City could be charging two separate co-locators for the same ground space. At this point, the potential co-locators need their own ground space because Verizon will not let them use their ground equipment. They would have to have equipment on the ground. There is additional ground space available.

Ric said the space required is roughly 10ft by 16 to 18 ft. The footprint has been reduced since the process began.

In response to a question from Mayor Brooker, Margaret said the prior cell tower lease required Verizon to notify us if they sublease to other co-locators and the City would not receive additional revenue from other co-locators.

Ric said the optimal situation would be to have Verizon give us a percentage of any new revenue. He said Margaret worked them over for

six to eight weeks and they were not willing to budge. Ric said ideally, we hoped they would do all the negotiations with potential co-locators and we would get a percentage of the revenue. But they wouldn't agree to that.

Mayor Brooker said the space and cell tower is important to the City to receive the revenue from the new technology. The towers are important to the cellular industry. He agreed with the new policy.

Ric said the cell tower is important for the Fire District and the Lane County Sheriff's office since both are Verizon customers. This will ensure much better public safety communications internally and externally within those entities. The tower will go on the west side of the water tank and will have limited visibility from Veneta. Ric said this does not mean the Council is endorsing the Site Plan review process. It's up to the Planning Commission to approve or deny the Site Plan.

MOTION: Thomas Cotter made a motion to authorize Mayor Brooker sign the lease with Verizon Wireless including the language changes discussed and upon approval of the Site Plan Review granted by the Veneta Planning Commission. Sharon Hobart-Hardin seconded the motion, which passed with a vote of 5-0

(c) (1) **Resolution 952 - A RESOLUTION ESTABLISHING AN EXCESSIVE FORCE POLICY FOR THE CITY OF VENETA**

Ric presented Resolution 952 which is required as part of the acceptance for the Micro-Enterprise Community Development Block Grant. Because they are federal funds, the Housing and Urban Development (HUD) requires any entity receiving greater than \$50,000, have a resolution in place establishing an excessive force policy. Resolution 952 states if there are any public gatherings, City personnel shall not use excessive force against an individual engaged in those non-violent civil rights demonstrations. Ric said this is the last piece of the grant process. Mayor Brooker has signed the CBGB grant and once they receive the signed resolution and finalize the paperwork, the funds can be distributed.

MOTION: Thomas Cotter made a motion to approve Resolution 952. Sharon Hobart-Hardin seconded the motion, which passed with a vote of 5-0

Ric said the Budget Committee was presented with the finance package of an additional two cent gas tax that would be enacted around the first of the year (2008). He said the Council approved that budget in June, 2007. He said we're back to planning the ground work to ensure we're proceeding as the Council would like staff to proceed at this point. This was the last year the City received Lane County Road Funds. He said two cents will only generate \$38,000 to \$40,000 per cent per year. Obviously, the new funds will not totally replace the loss funds. However, by going from three cents to five cents, we could generate some revenue for road improvements. The City has obligated \$360,000 to the Bolton Hill Road project as well as the McCutcheon Road project and has several ongoing discussions with ODOT for several road repairs, including Huston and

Highway 126, Jeans Road and Territorial Road and long-term solutions for Highway 126 and Territorial. He said those state facility projects are not getting priority unless there is a local match. He said we also need to continue to position the transportation fund so we don't completely drain it down. He said we could continue our maintenance and preservation programs along with setting aside funds for future capital projects.

He said there are several ways to achieve an increase. A referendum vote to the public; City staff could bring forward information on the need to replenish our capital improvement program through the discretion of the Council. Or we could hold public hearings on the subject. We could take it slow, invite public comments or bring an ordinance forward to increase the gas tax by two cents. Give it a 30 day period and then adopt. It would still be the choice of the Council to increase the tax or not. We're not alone in this. Junction City is currently discussing the issue, as well as Cottage Grove, Oakridge and Springfield. All will be moving forward in October. Eugene's increase of three cents has been referred back to the voters.

Mayor Brooker asked the Councilors how they would like to proceed. He said the City's revenues have decreased a great deal in the road funds and we haven't the depth of funds we used to have. County and state funds are not available and grant funds are difficult to come by for road projects. He said it's important for the City to attempt to replace those revenues. Unfortunately, a gas tax is not a very popular decision at this time but is an option to replace some of the lost funding. He said, based on the recommendation of the Budget Committee, he would like to forge ahead with this process. He felt even if we move forward with a 30 day process to approve this, we should have at least one public hearing to gather public input on the matter. He doesn't want an extended long-term process with public hearings and sending it to the voters because it will not be productive. These are revenues needed by the City. He said it is a fair way to collect funds. Thomas Cotter agreed.

Sharon Hobart-Hardin said this is an opportunity to discuss the gas tax with the recent collapse of the bridge in Minnesota. She felt people are finally realizing our infrastructure nation wide is deteriorating and aging and needs replacement. There hasn't been funding allocated at a federal level much less a local level. She felt we should approach the gas tax with the thought that our infrastructure is aging and crumbling and needs replacement. The gas tax is one and possibly the only way we can address this locally. She felt we should move ahead with a public hearing but don't make it into a major event.

All Councilors agreed we should forge ahead with the gas tax increase.

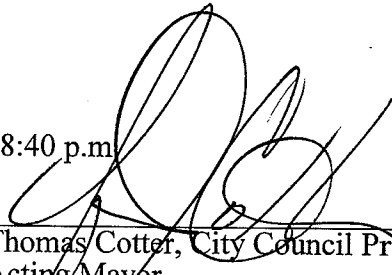
Ric said if the Coos Bay/North Bend port comes to fruition, a bridge over Territorial Road may be needed to compensate for the increased number of trains coming through Veneta. He said the Council did offer \$20,000 as a federal match to the Highway 126 grant proposal that we submitted earlier this month.

In response to a question from Mayor Brooker, Ric said if and when a gas tax passes, we would need to give ODOT 30 to 45 days to reprogram their computer and start the collection process that would be effective by January 1, 2008. We would propose the matter would come back to the Council at the second meeting in September to work through the process. Ric confirmed with the Councilors they wish to hold a public comment period, then possibly have a first reading or delay the first reading until after the public comment and then bring it back at a second reading.

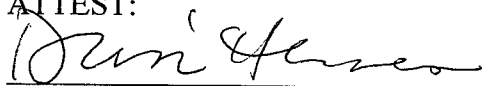
Councilors all agreed to this.

5. **OTHER**
None

6. **ADJOURN**
Mayor Brooker adjourned the City Council at 8:40 p.m.


Thomas Cotter, City Council President
Acting Mayor

ATTEST:


Darci Henneman, Assistant City Recorder
(minutes prepared by dhenneman)